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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,992	01/31/2001	Joseph Cosentino	8818.00	4371

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Intellectual Property Section
Law Department
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EXAMINER

LOHN, JOSHUA A

ART UNIT PAPER NUMBER

2114

DATE MAILED: 01/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/774,992

Applicant(s)

COSENTINO, JOSEPH

Examiner

Joshua A Lohn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

FINAL REJECTION

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-12, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg et al., United States Patent number 6,327,677, filed April 27, 1998.

As per claim 1, Garg teaches of monitoring a number of operating parameters associated with operation of a system, see column 3, lines 58-59. He also teaches storing a number of operating parameters in a database, this is shown in the storing of the operating parameters to a storage device, see column 5, lines 66 through column 6, line 3. Garg teaches of retrieving cognitive signatures, see column 5, lines 28-40. It is obvious that these cognitive signatures act as a fault finding test script file that contains a number of tests that can be performed on the system. This is obvious because the cognitive signatures are used in the analysis module to provide a comparison value for determining if a fault condition exists, thus acting as a test for finding faults, see column 6, lines 6-15. Garg then discloses using these cognitive signatures to perform tests using at least some of the parameters stored in the database to provide a number of signals indicative of a potential fault condition, see column 6, lines 6-23. Garg also discloses

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updating the fault finding test script file based upon the test results from the test that have been performed on the system. This is shown in the update process of the cognitive signatures, which is based in part on the results of the testing mentioned above, see column 7, lines 31-46.

As per claim 2, Garg teaches of displaying a message to assist an operator in diagnosing the potential fault condition before the potential fault condition actually occurs, see column 15, lines 15-21, where a message including message useful for diagnosing a problem can be sent before a problem escalates until a severe fault.

As per claim 3, Garg teaches periodically determining if the signals indicative of the potential fault condition match a predetermined fault pattern, see column 6, lines 6-13.

As per claim 4, Garg discloses alerting an operator when the signals indicative of the potential fault condition match the predetermined fault pattern, see column 6, lines 17-23.

As per claim 5, Garg discloses logging a fault event when the signals indicative of the potential fault condition match the predetermined fault pattern, see column 7, lines 12-20.

As per claims 8-12, these claims are the means for applying the methods of claims 1-5, and are rejected under the same grounds as listed above.

As per claim 15-19, these claims are a software implementation of the methods of claims 1-5 and Garg discloses performing the methods in software, see column 16, lines 64-67.

Claims 6, 7, 13, 14, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg in further view of Bliley et al., United States Patent no. 6,622,264, filed November 22, 1999.

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As per claim 6, Garg teaches the limitations depending from claim 1, as mentioned above. Garg further discloses sending notification to the operator that would aid in diagnosing a potential fault condition. Garg fails to disclose further displaying a number of actions on a screen to assist the operator in diagnosing the potential fault condition.

Bliley discloses displaying a number of actions on a screen to assist the operator in diagnosing the potential fault condition, see column 5, lines 45-51.

It would have been obvious to one skilled in the art at the time the invention was made to include the display mechanism of Bliley in the output of Garg.

This would have been obvious because Garg obviously expresses a desire to provide diagnostic information to the operator, as shown in the emails of column 15, lines 15-21. Bliley discloses providing the operator with data provided by an electronic database to check as an aid for diagnosis, see column 5, lines 45-51. It would have been obvious to one skilled in the art at the time the invention was made to include the data of the electronic database of Bliley in the message sent by Garg, which as an email is obviously displayed to a screen of the email viewing device, to provide for more complete fault diagnosis information and activities for the operator to gain any necessary data.

As per claim 7, the combined invention of Garg and Bliley described above teaches of displaying specific instructions to provide a step-by-step approach to diagnosing the potential fault condition, see the list of instructions of column 5, lines 45-51 of Bliley.

As per claims 13 and 14, these claims are the means for applying the methods of claims 6 and 7, and are rejected under the same grounds as listed above.

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As per claims 20 and 21, these claims are a software implementation of the methods of claims 6 and 7, and Garg discloses performing the methods in software, see column 16, lines 64-67.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua A Lohn whose telephone number is (703) 305-3188. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoleil can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JAL


SCOTT BADERMAN
PRIMARY EXAMINER